

Message Text

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ACTION L-03

INFO OCT-01 EA-10 ISO-00 CA-01 JUSE-00 SS-15 /030 W
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R 221015Z MAY 78
FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC 4831

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E.O. 11652: N/A
TAGS: CPRS, PDIP, TH, US
SUBJ: AMENDMENT TO THAI-U.S. EXTRADITION TREATY

REF: A) 77 STATE 125851 B) 77 BANGKOK 13610
C) 77 STATE 179937 D) 76 STATE 96210
E) 76 STATE 58720 F) 76 BANGKOK 34674

1. EMBOFF CALLED ON MFA OFFICIALS MAY 19 FOR FURTHER DISCUSSION OF PROPOSED DRAFT SUPPLEMENTARY CONVENTION TO EXTRADITION TREATY AND OF DEPT ANSWERS TO QUESTIONS RAISED IN MAY 12 MEETING (SEE BANGKOK 13610). MFA OFFICIALS STILL DO NOT RPT NOT SEE REASONING BEHIND USG REQUEST TO AMEND TREATY TO INCLUDE ARTICLE II, PARA (3) AND WOULD LIKE BOTH MORE SPECIFIC AND MORE APPLICABLE EXAMPLES OF ITS USEFULNESS THAN THOSE WHICH DEPT OFFERED (STATE 125851).

2. IN PARTICULAR, MFA OFFICIALS WERE CONFUSED BY DEPT'S REFERENCE TO VOL 6 OF WHITEHMAN DIGEST OF INTERNATIONAL LAW AT P.790 (THAILAND RECENTLY RATIFIED THE HAGUE, TOKYO, AND MONTREAL CONVENTIONS ON HIJACKING, THUS MAKING DEPT EXAMPLE OF A CASE WHICH FOUNDERED INAPPLICABLE) AND BY DEPT'S REFERENCE TO THE VESCO CASE. IN THE LATTER INSTANCE, MFA OFFICIALS WOULD LIKE TO KNOW WHETHER EXTRADITION WAS REQUESTED UNDER FRAUD OR UNDER ILLEGAL USE OF THW IRES (A MORE DETAILED EXPLANATION OF THE VESCO CASE WOULD PROVE USEFUL IN MFA
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OFFICIALS' ESTIMATION). EMBASSY SUGGESTS THAT DEPT PROVIDE MORE EXAMPLES IN WHICH CASE FOR EXTRADITION FOUNDERED, EVEN IF THESE ARE ONLY HYPOTHETICAL EXAMPLES.

3. MFA OFFICIALS ALSO REQUEST AN EXPLANATION OF STATE JURISDICTION VS. FEDERAL JURISDICTION AND THEIR APPLICATION TO THE TREATY AS IT NOW STANDS. AN EXPLANATION OF THE

INTERSTATE COMMERCE CLAUSE OF THE CONSTITUTION WOULD ALSO
PROVE HELPFUL IN MFA OFFICIALS' OPINION.

4. MFA OFFICIALS OFFERED THE FOLLOWING IN LIEU OF ARTICLE
II, PARA (3) FOR THE DEPT'S CONSIDERATION: "ANY OFFENSE,
IN ADDITION TO THOSE CITED IN ARTICLE II, #S 1-24, WHICH
IS PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE YEAR,
SHALL ALSO BE CONSIDERED TO BE EXTRADITABLE UNDER THE
TREATY."

5. IN REGARD TO ARTICLE IX, MFA OFFICIALS WOULD LIKE TO
KNOW REASON FOR FORMULAE ON PAYMENT USED IN U.S.-ITALY
BILATERAL TREATY ON EXTRADITION AND IN PROPOSED DRAFT
INTER-AMERICAN EXTRADITION CONVENTION (BANGKOK 13610) IF
USG PRACTICE ON PAYMENT IS AS CITED (STATE 125851).

6. ACTION REQUESTED: THAT DEPT PROVIDE ANSWERS TO
QUESTIONS RAISED NO LATER THAN JUNE 9, 1978, SO THAT EMBOFF
CAN PASS INFORMATION ON TO MFA OFFICIALS PRIOR TO
MEETING OF RTG OFFICIALS ON EXTRADITION TREATY, SCHEDULED
TO TAKE PLACE WEEK OF JUNE 12.

WHITEHOUSE

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